Supreme Court, U.S.
FILED

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OFFICE OF THE CLERK

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

FRANK J. CAMOSCIO,

Petitioner,

v.

COMMONWEALTH OF MASSACHUSETTS;
THE BOARD OF REGISTRATION IN PODIATRY,

Respondent.

On Petition For A Writ Of Certiorari
To The United States Court Of Appeals
For The First Circuit

PETITION FOR A WRIT OF CERTIORARI

FRANK J. CAMOSCIO
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33 Plainfield Street
Newton, MA 02468
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32 pp

QUESTIONS PRESENTED

DEATH THREATS

SHOT AND WOUNDED

TWO SEVERE BEATINGS

Now comes Dr. Frank J. Camoscio, and presents to this Honorable Body this Petition for Redress of Grievances as guaranteed by the First Amendment to the Constitution of the United States. The facts that support this Petition are as follows:

A. Dr. Frank J. Camoscio was a litigant in the First Federal Circuit. The First Amendment to the U.S. Constitution guarantees me the right as a Petitioner to petition the government, including the courts, for redress of grievances. The Federal Judiciary of the First Circuit denied the Petitioner this First Amendment Right.

B. The Fifth Amendment to the U.S. Constitution guarantees the Petitioner a right to due process under the law. The Federal Judiciary of the First Circuit has denied the Petitioner this Fifth Amendment Right.

C. The Seventh Amendment to the U.S. Constitution guarantees the Petitioner a right to a jury trial. The Federal Judiciary of the First Circuit has denied the Petitioner this Seventh Amendment Right.

D. Throughout the Petitioner's litigations, the process was a travesty of justice. Without proper basis, contrary to the U.S. laws and the U.S. Constitution, the trial court always dismissed the Petitioner's suits without a trial. .

E. Without a hearing and by unpublished per curiam decision, the Court of Appeals affirmed the dishonest ruling of the trial court.

F. The Petitioner believes that the evidence proves that no Appellate Court Jurist ever read the Appeals.

G. The Petitioner believes that the First Circuit Court Judiciary denies rights to practically all Pro Se and a majority of represented litigants.

H. The Petitioner believes that this situation could be egregious in all the Federal Circuits.

I. The Petitioner believes that Federal Judiciary is out of control and that it has de facto suspended the U.S. Constitution as the law of the land.

J. The Petitioner believes the United States has no moral authority to preach the values of democracy to the world while We The People are subject to such abuse of rights by the Federal Judiciary.

K. The Petitioner believes continued inaction to address the tyranny of the Federal Judiciary threatens to forever destroy the fabric of the American democracy.

LIST OF PARTIES

PETITIONER

Dr. Frank J. Camoscio, 33 Plainfield Street, Newton, MA 02468.

RESPONDENT

Commonwealth of Massachusetts; The Board of Registration in Podiatry, 239 Causeway Street, Boston, Massachusetts 02114.

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PETITION FOR A WRIT OF CERTIORARI

TO THE UNITED STATES COURT OF APPEALS

FOR THE FIRST CIRCUIT

Petitioner, Dr. Frank J. Camoscio, respectfully prays that the writ of certiorari be issued to review the judgment and opinion of the United States Court of Appeals for the First Circuit, entered in the above cause on April 10, 2001

OPINION BELOW

The judgment of the United States Court of Appeals for the First Circuit is attached as Appendix A.

JURISDICTION

The jurisdiction of this Court is invoked pursuant to Title 42, § 1983, for deprivation of the Petitioner's rights.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Constitution Article XIV, § 1

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life,

liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Massachusetts Constitution Article XI

Every subject of the Commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character. He ought to obtain right and justice freely, and without being obliged to purchase it; completely, and without any denial; promptly, and without delay; conformably to the laws.

Civil Action for Deprivation of Rights, Title 42, § 1983

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia. R.S. § 1979; pub. L. 96-170, § 1, Dec. 29, 1979, 93 Stat. 1284.

CONCISE STATEMENT OF THE CASE

My situation results from a case in which the President of the State Senate was granting fraudulent licenses to practice medicine. I refused to look the other way when credentials were falsified as being issued from my institution. The Senator escaped prosecution in a deal with the Attorney General. However, he became the Chief Clerk of the State Judiciary, and continued to broker power and revenge.

A Grand Jury was convened on the matter of the fraudulent licenses and 35 indictments were issued. Nearly 27 years later, no action has been taken on these fundamental charges.

On the contrary, the Assistant Attorney General who cooperated in the manipulation was rewarded with a judgeship on the State's high court.

One of the fraudulent licenses was issued to a man who lived with and practiced Podiatric Medicine and Surgery with the State Chairman of the Board of Registration in Podiatry. Because, therefore, no action was taken by the regulating board or by the law enforcement agencies, I brought suit to cause the license to be revoked. Ultimately, a judge removed the license; but our Attorney General fought for several years to restore a fraudulent license to a previously convicted felon.

But the perversion of justice goes further.

I have learned that one cannot depend upon truth and innocence as a God-given protection.

To this day, I am being harassed and punished for taking a stand against the debased system.

Several false charges have been brought against me and manipulated to obfuscate the truth and compound the process and create a monumental mess of paperwork.

In the beginning, I had funds for legal fees; now I am penniless and pro se.

There have been death threats against one attorney on my case, bribe attempts to one investigator, physical attacks, and threats.

Justice Nolan, Associate Justice of the Supreme Judicial Court, has a motion still sitting in front of the Supreme Judicial Court concerning Enoch Woodhouse, Camoscio's former attorney who discharged himself from the case when Attorney General Francis X. Bellotti threatened him with assassination if he did not remove himself as Camoscio's attorney. Mr. Bellotti stated: "If you do not excuse yourself as Camoscio's attorney, what happened to Martin Luther King, Jr., will happen to you. If history is correct, Rev. King was assassinated." Yet, with this motion still pending, the Supreme Judicial Court went forward not allowing Camoscio legal counsel, breaking the law.

Then there is Judge Neil Lynch who up until recently has acted against Camoscio when he lied as Chief Counsel for Governor Edward King on the Camoscio matter. Please refer to his letter pertaining to Camoscio's matter to John George, the Podiatry Board's secretary, and his attorney's answer to his being summoned to be a witness of the adjudicatory hearings. If requested by this Court, this letter will be made available. Judge Neil Lynch was protecting Governor King's wife who was the daughter of John E. Power's out of wedlock, the same John E. Powers the former Senate President from Massachusetts who was caught issuing medical licenses to criminals for the sole purpose of selling drugs. Judge Neil Lynch is the Associate

Justice sitting in the Supreme Judicial Court of Massachusetts that has and continues at every turn to injure the Petitioner and has used his influence to bar the Petitioner access to all the Court systems in the Commonwealth of Massachusetts. The Petitioner has no access to any Court in Massachusetts.

Finally, after 14 years of avoiding to issue me proofs of malpractice, and patient complaints, under the Freedom of Information Act (5 U.S.C.A. § 552) the Supreme Judicial Court admitted that they never had in their possession any proofs of any of the charges that they had convicted the Petitioner of by upholding the Regulatory Board's decision. This information received under the Freedom of Information Act was issued to the Petitioner on June 9, 1995 by their attorney.

To date, the Petitioner continues to suffer and cannot return to work to support his family; the Petitioner has an ailing wife who is going blind.

The legal action against me began in an interlocutory hearing. Because these hearings are conducted by the Attorney General and because the prosecution is conducted by the Attorney General, it is no surprise that this abusive use of power resulted in a verdict against me. Note well that there were no patient complaints, there was a falsified letter of show cause, I had no opportunity to face my accusers, my witnesses were incorrectly categorized as character witnesses when they were actually eye witnesses, and the State's expert witnesses lied openly in matters of fact and as to their credentials. No cross-examination was allowed.

This flawed proceeding, however, has caused tremendous damage to me and all remedies are denied to me.

Under Massachusetts State Law there is no appeal from an interlocutory decision; only review by the Supreme Judicial Court. In a review they take no evidence and rely only on the case given them from the hearing officer.

Even when the hearing report was manipulated to delete all material and testimony that revealed the fraud, the Court could not take remedial action.

Four of the nine justices stepped down at this review (one of them being my patient), and the decision of the interlocutory board was upheld.

As a result, my license to practice has been revoked for life. This is cruel and unusual punishment even for a guilty practitioner.

My livelihood and my professional standing have been stripped away.

I have struggled all these years to fight these matters.

Yet I am a doctor and not a lawyer. My case is now infamous within the system.

The Judge who was originally rewarded for his protective role in diverting the Grand Jury indictments has imposed a gag order denying me all access to the courts. The original Senator and Chief Clerk has blocked every avenue within the bureaucracy. I have become open prey to predatory litigants.

I am a man alone. I cannot get a day in court. I cannot get redress.

A man without a court is a man without a country.

The Bill of Rights has no meaning for all if it has no meaning for one.

A higher authority with a higher moral fiber ought to intervene.

I have committed no crime; crime has been committed against me by the State. I have no immunity to hardship; immunity is granted even to those who admit their fraud.

I ask for your courtesy and the wisdom to examine my plight. Can the Supreme Court of the United States cause a day in court—an opportunity to rise above the abuse of power and arrogance of advantage.

A Federal Grand Jury or a Special Prosecutor need only see the proofs to restore justice.

ARGUMENT

Because the Petitioner was wrongly charged for a crime not committed is the Petitioner entitled to equitable relief under Title 42 U.S.C.A., § 1983 because the Petitioner was charged with patient complaints and malpractice that were fabricated against him by the State's Regulatory Board and their decision was upheld on review of the Massachusetts Supreme Judicial Court. Eleven years later the Massachusetts Supreme Judicial Court under the Freedom of Information Act (5 U.S.C.A., § 552) admitted that they sided with the State's Regulatory Board's decision when they had no proofs in their possession to find the Petitioner guilty.

FACTS SUPPORTING THE ARGUMENT

Dr. Frank J. Camoscio

Dr. Frank has been fighting for justice for more than 20 years. At first he fought to fix fraud. But soon he was fighting for his professional life and, in a very real sense, for his soul.

Overview

This is a complicated situation. Complexity has become the cover for illegalities. Yet a persistent reading of the facts reveals a simple story of abuse of power and protection of the right to abuse power.

Dr. Frank has battled a corrupt medical registration bureaucracy, a judicial system that closed protective ranks, attorneys general who have actively campaigned to crush him, because state officials granted fraudulent licenses to practice in Massachusetts.

These are powerful forces that he has been fighting. The most significant fact in this case is that the illegalities have never been adjudicated in a court of law. The Regulatory Board has found against Dr. Frank in baseless actions—acting as prosecutor, judge, jury, and jailer—which have never been allowed to come to trial beyond the Hearing Officer process.

The Crux of the Problem

In Massachusetts, the Regulatory Boards are autonomous bodies with quasi-legal powers. They can assemble hearings tantamount to court review; Hearing Officers are provided by the Attorney General to act as "judges," and the Attorney General supplies staff lawyers to perform as "prosecutors." The Regulatory Board—not complainants—bring the actions. This

incestual kangaroo climate is troublesome enough. What is worse, appeal is only to the State Supreme Judicial Court; and that court can review only procedure, not the facts of the case. In the matter herein described, when that appeal was attempted, the Board forwarded falsified hearing documentation and thus assured an easy rubber stamp review. With Board hearing certification by the high court, in spite of provable fact to the contrary, it has been impossible to obtain a day in court to ventilate the facts and to prove the criminal bias of the original Board Chairman and Hearing Officer.

Background

Dr. Frank is a skilled physician who practiced podiatric medicine at his foot clinic in Boston's Back Bay. He is one of a few medically educated and certified physicians to practice podiatry and podiatric surgery. (Podiatry practices are, generally, of two kinds—those licensed practitioners who offer foot care and those who are qualified to treat diseases of the foot and to perform surgery.)

He can certify that he was an outstanding medical student with high academic and residency grades.

His clinic had long been a center for teaching and care. The Chairman of the Board of Registration also used the facility to conduct state registration exams. Because Dr. Frank had been a professional at the region's leading teaching institution for the profession, after that school closed, he became the "exact dean" responsible for maintaining the school's official records.

When licenses began to be issued to state officials to people claiming to have graduated from the school who had certainly not studied there, Dr. Frank complained to the Board of Registration. He had no idea that members of that body were

themselves responsible for the criminal issue of fraudulent licenses. The Board's first reaction was to stop using the clinic and ended all contact. One fraudulent license was granted to a student who had been expelled from the school because it was found that he had a criminal record and had not even graduated from high school. But he was granted a license to practice; had even been sponsored into the American Academy of Podiatric Surgeons! He lived with and worked with the Chairman of the Board. However, in court testimony, the Board Chairman denied even knowing the licensee.

Another fraudulent license was issued to a powerful politician John E. Powers' girlfriend's daughter. (Powers later became Chief of Clerk of Courts.) When then Governor King agreed to get to the bottom of things and clean up the mess within the Regulatory Boards, hearing process, and judicial shortcomings; it seemed that help was finally at hand. But that was before learning Powers' illegitimate daughter was the Governor's wife.

Action Triggered

Dr. Frank's action to get a fraudulent license revoked brought out the hornets with a sinister mission. Threats. Physical attacks. Official shunning. Legal action. Even imprisonment.

On another front, because the Board of Registration is represented and defended by the Attorney General's Office, and because the Board had issued the fraudulent license, *the full power of the state's largest legal organization—the Attorney General's staff—defended the fraudulent licensure and began a campaign to break Dr. Frank.*

Dr. Frank was angry because of the inaction to rescind the bogus license. He hired a lawyer with his own funds and took the matter to court. Of course, the Attorney General's Office knew all the dodges within the system. And they fought *for* the illegal license. But the matter finally came to court.

During the trial, Dr. Frank learned that there was more involved. The Board members, their witnesses, the Attorney General, and the Board's investigator were late returning to court—and explained to the judge that they had been at a birthday lunch for their friend—who was Dr. Frank's attorney! The "fix" was in, they thought.

But Dr. Frank fought on and, finally, the fraudulent license was revoked. See Judge DeGuglielmo's decision in this matter. Because Dr. Frank won this case, he lost his professional standing.

(Note that even this unqualified felon was given three months to wind up his practice even though he was guilty of criminal acts. Note, also, that the Attorney General spent the next two years trying to reinstate the fraudulent license!)

The Attorney General doesn't like to lose. The Board of Registration doesn't like to have its authority questioned. And one of the state's highest politicians who had been the prime mover behind the sale of likenesses couldn't afford the exposure.

Get Camoscio!

A litany of attacks on Dr. Frank resulted in one of the most complex and convoluted cases in the courts.

The Assistant Attorney General—Irwin—who defended the fraudulent license case was elevated to a Superior Court Judge.

When Dr. Frank came before that judge during this period, an unprecedented gag order was imposed, and an order was issued requiring that the doctor get permission before bringing any action into any court. (So eager was Irwin to gag the doctor that he erroneously placed the gag order on civil action not even in front of him. This civil action involved a Ms. Hodder who had committed perjury in a set-up case which Dr. Frank in fact won.)

Dr. Frank retained lawyers during this period who turned out to be more responsive to the opponents' power than to their client's problem; the net result, of course, was that they drained the doctor financially until he was virtually broken.

There were court actions upon court actions. False testimony. Drug charges by unsigned complaint. Suspension of licensure. And, ultimately, a rigged action by the Board—without complaint—that resulted in permanent revocation of Dr. Frank's license.

Note that the fraudulent licensee was given six months to wind up affairs; Dr. Frank's revocation was instantaneous. Doctors convicted of malpractice resulting in death are routinely suspended for a brief period and reinstated. Dr. Frank's punishment was for life.

Without funds and without a practice, Dr. Frank became a pro se litigant without access to the courts. But he fought on. He has forced appearances. Compiled testimony. But, always, there is a successful blocking maneuver.

Dr. Frank has spent time in prison for this "crime." Yet if his license was revoked unlawfully, the incarceration was, itself, unlawful.

Dr. Frank brought his case before a judge to whom he proved once again that there were no complaints in the matter resulting in his punishment, no patients harmed, no treatments not administered routinely by podiatrists in everyday practice. He demonstrated that there is a motivation behind his problems that bears no relationship to the punishment that has been imposed.

The judge demanded that the Attorney General appear and bring the evidence; since there never was any "evidence," this should have been a turning point in favor of Dr. Frank. But nothing was concluded. Nothing resolved. The court system simply closed protective ranks and allowed the order to fade into oblivion.

From the Record

The following excerpts offer details taken from the over 20 years of legal records. All material contained in the record will be made freely available; Dr. Frank will offer his help in any research that may be required to sift through the compiled records.

> From a Complaint before the United States District Court seeking access to the courts:
>
> "Because Dr. Camoscio fought the system, the system has taken its revenge. A concerted effort was undertaken through fraud and deceit to punish him. False charges and other harassment by the Board of Registration in Podiatry and their free legal counsel

within the Attorney General's Office were brought before the interlocutory system within the Attorney General's Office where they had full control of the results."

"Believing that these matters would find proper recourse in court, Dr. Camoscio has attempted to file the several related cases. First as one case; then, secondly, on the advice of the court, as individual cases."

"Then Judge Irwin struck again. Using a case not even in front of him, he issued an unprecedented order denying Dr. Camoscio all access to the courts. This scurrilous order stands to prevent due process. Further, it protects those who have committed fraud, perjury, and conspiracy. If these acts were committed by civilians, they would be charged as gangsters."

"The case cited by Judge Irwin contained the principal proofs against the perpetrators. A case he could not afford to have on record if his strategy of denying facts could succeed."

"The only files 'burned' in a fire in Suffolk Superior Court were the contents of the case Judge Irwin used to inflict this order. Further, this mysterious 'fire' jumped to another building where the only files damaged were the lower court filings in this case."

"Now that the court is not encumbered by the facts, there is an easy agreement within the judicial bureaucracy to refuse any future filing of the facts."

"While Judge Irwin's gag order achieves what he and the other functionaries intended, it continues to inflict a cruel and abusing breach of Dr. Camoscio's civil rights."

"1. He has been denied redress of the wrongs committed against him."

"2. Without trial, and even though he fought to protect his profession, his license to practice has been revoked for life."

"3. He has been branded a 'kook' by the clerk functionaries and even by judges who have no other knowledge of him than the name calling, causing these judges to rule against him for convenience."

"Most recently Judge Young of the U.S. District Court has extended the gag order to the Federal Court System. During his tenure in the State Superior Court, he found in Camoscio's favor (Case #56398) and in fact called the actions against Camoscio 'twilight hearings.' He promised from the bench that he would grant the required subpoenas 'when your case comes to trial.' The case was blocked. Judge Young was rewarded with an appointment to the Federal Bench. He has taken with him the duty to extend the gag order to the Federal Courts."

"It is interesting to note that, while Judge Young acted against Camoscio consistently to block access, he later recused himself because the cases involved his friends at the state level. Although he recused himself, he continued to act against Camoscio in violation of Federal law."

From a filing before Judge Joseph R. Nolan of the Supreme Judicial Court in re Civil Case #84-123: (This is the case which should have brought the Board's Hearing Officer decision to court.)

"1. The letter of show cause is based on false statements, and these fundamental claims were demonstrated to be false in the supporting documents and references submitted as part of my motion."

"2. Most specifically, the show cause letter cites 'patient complaints'; yet each of the patients named made no complaint."

"3. Ensuing testimony—during the first day of the hearing on this matter (6-58-82)—states clearly that the Board, and not the patients, are my accusers."

"4. The Board, however, admitted during the same session that they had no basis for the charges and, most tellingly, insisted that I give them patient records in the hope that they could find incriminating evidence. Clearly a violation of my 5th Amendment rights and of the patients' rights."

"5. Because this matter was heard as the result of a faulty show cause, there can be no just decision on the merits until the show cause questions are resolved."

"6. Because the hearing process itself was further flawed, witnesses for the Board were encouraged to give false and misleading testimony. And, ultimately, I was denied the right to defend myself and to demonstrate the wrongdoings in the present case."

(Only two state witnesses were against Dr. Frank—Doctors Smith and Scarlet—who lied as to their credentials and material facts. They did not return to the hearing even though they were under subpoena because the Hearing Officer knew by proofs given to him that their lies were exposed. He illegally withdrew their false evidence and would not allow cross-examination. Yet in his final decision, he admitted that their testimony 'weighed heavily' against Dr. Frank.)

"It is, indeed, within your power to examine my motion and attachments more closely and find good cause for setting aside decisions that protect the guilty. You can, indeed, find good cause for permitting justice to take its course. And, you have it in your power to protect my professional standing during the time it will take to resolve this case."

Further Background That Demonstrates a Pattern of Abuse

The Middlesex County District Attorney's Office in Cambridge, Massachusetts with the help of the Diversified Investigative Unit of the State Police went to the Grand Jury on Dr. Frank's behalf and came away with 35 indictments against the Board of Registration in Podiatry, Board Chairman Dr. Thomas Connolly, and against Edward Fleming, the holder of a fraudulent podiatric license and a criminal record and no high school diploma. Dr. Frank was represented at the Grand Jury by Assistant District Attorney Bonnie McCloud Griffin, now a judge in the State Superior Court System.

Mr. Francis X. Bellotti, the Attorney General at the time, refused to serve the indictments against the Board, Connolly, and Fleming because it would prove Dr. Frank's innocence and also prove that the Board and the Attorney General were

complicit in the issuance of fraudulent licenses. The Attorney General also allowed Fleming to practice and defended his right to practice when there were two court orders to immediately remove the license—orders by Judge DeGuglielmo and Judge King.

Current Status

Recently Massachusetts Governor Paul Cellucci expressed interest in Dr. Frank's treatment and agreed to review the matter. The following documents quickly summarize the case and the current status of the case.

Of particular note is the statement to the Governor by the current Regulatory Officer. Even now the cover is used. Of greater interest is Dr. Frank's response to the Regulatory Officer's statement to the Governor. In spite of this accurate rebuttal, no action has been taken. The entrenched bureaucracy successfully resists bringing this matter to justice.

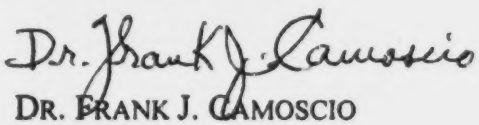
REASON FOR GRANTING THE WRIT

This case provides this Court with an opportunity to restore the Petitioner's right to equity under Title 42 U.S.C.A., § 1983.

CONCLUSION

This case presents an important constitutional issue of whether the Petitioner is entitled to equity as guaranteed by the Constitution, under Title 42 U.S.C.A., § 1983 because the Respondents have violated the Petitioner's civil rights.

Respectfully submitted,



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Dated: October 1, 2001

APPENDIX

APPENDIX A
UNITED STATES COURT OF APPEALS
For The First Circuit

No. 01-1210

FRANK J. CAMOSCIO,
Plaintiff, Appellant,
v.
COMMONWEALTH OF MASSACHUSETTS, THE BOARD OF REGISTRATION IN PODIATRY,
Defendants, Appellees.

Before
Torruella, Chief Judge,
Bownes, Senior Circuit Judge,
and Lipez, Circuit Judge.

JUDGMENT
Entered: April 10, 2001

The motion for summary dismissal is allowed. See Local Rule 27(c).

By the Court:

Clerk.

Certified Copy to Hon. William Young
Certified Copy to Mr. Anastas, Clerk USDC

cc: Messrs. Camoscio & Dick

APPENDIX B
UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FRANK CAMOSCIO,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. NO. 92-11530-MLW
	)	
BOARD OF REGISTRATION IN PODIATRY,	)	
	)	
	)	
Defendant.	)	

ORDER

WOLF, D. J. January 16, 2001

On November 2, 1992, United States District Court Judge William Young dismissed this case with prejudice and enjoined Plaintiff Frank Camoscio from "filing any additional papers in this [District] Court without the aid and signature of counsel unless or until this Court specifically authorizes the filing of such claims." See Transcript of November 2, 1992 hearing at 8. The Court of Appeals for the First Circuit affirmed the dismissal and the injunction against future filings in the district court. Camoscio v. Commonwealth of Massachusetts and the Board of Registration in Podiatry, 989 F.2d 484 (1st Cir. 1993).

Plaintiff subsequently sought to amend his complaint in this dismissed case to name as defendants the Justices of the Massachusetts Supreme Judicial Court. Judge Young recused himself, and this matter was reassigned to this Court.

On June 19, 2000, Plaintiff filed a motion for a trial date (Docket No. 30). Although Plaintiff filed his motion without Court permission or the signature of counsel, this Court ordered Plaintiff to file affidavits and memoranda in support of his motion. On October 10, 2000, Plaintiff complied with the Order and filed a memorandum in support of his motion. Defendant Board of Registration in Podiatry also complied with the Court's Order and responded to the Plaintiff's filing.

After review of the parties' recent and past filings, as well as review of a number of state and federal Court decisions that have ruled on the identical factual and legal issues as presented here, this Court concludes that the Plaintiff's latest filings relate solely to the issues surrounding the revocation of Plaintiff's podiatry license in 1984. Therefore, consistent with the Massachusetts Supreme Judicial Court's decision in Camoscio v. Board of Registration in Podiatry, 476 N.E.2d 596 (Mass. 1985), United States District Court Judge Mazzone's November 12, 1985 Memorandum and Order in Camoscio v. Board of Registration in Podiatry of Massachusetts, C.A. No. 85-3460 (D. Mass. Nov. 12, 1985), and United States District Court Judge Young's dismissal of this case with prejudice on November 2, 1992, which the First Circuit affirmed in Camoscio v. Commonwealth of Massachusetts and the Board of Registration in Podiatry, 989 F.2d 484 (1st Cir. 1993), it is hereby ORDERED that Plaintiff's motion for a trial date (Docket No. 30) is DENIED. It is also hereby ORDERED that Plaintiff's motion to nullify Court orders and decisions under recusal, filed in Civil Action No. 90-12617 (Docket No. 25), is DENIED.

This case remains dismissed with prejudice. It is hereby again ORDERED that Plaintiff not file in this District Court any additional papers in this case, or any new action relating to the subject matter of this case, without either the aid and signature of counsel or the specific, advance authority of this Court.

By Judge Mark L. Wolf
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above LEAVE OF COURT TO FILE A NOTICE OF APPEAL was served upon Stephen Dick, Assistant Attorney General, Trial Division/Government Bureau, 200 Portland Street, Boston, Massachusetts 02114, Attorney for the Defendants, by certified mail, Return Receipt Requested.

Signed under the pains and penalties of perjury on this 18th day of January 2001.

Frank J. Camoscio
33 Plainfield Street
Waban, Massachusetts 02468
(617) 720-2849

Dated: January 18, 2001

APPENDIX C
UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

No. 01-1210

FRANK J. CAMOSCIO,
Plaintiff, Appellant,

v.

COMMONWEALTH OF MASSACHUSETTS;
THE BOARD OF REGISTRATION IN PODIATRY,
Defendants, Appellees.

Before

Torruella, Chief Judge,
Bownes, Senior Circuit Judge,
Selya, Boudin, Lynch, and Lipez, Circuit Judges.

ORDER OF COURT

Entered: May 23, 2001

Appellant has filed a "motion for reconsideration" of this Court's April 10, 2001 judgment, which we treat as a petition for rehearing, and a "motion for rehearing in front of the full bench," which we treat as a petition for rehearing en banc. The petition for rehearing, having been denied by the panel of judges who decided the case, and the petition for rehearing en banc, having been submitted to the active judges of this court, and a majority of the judges not having voted that the case be heard en banc, it is ordered that the petition for rehearing and petition for rehearing en banc be denied.

By the Court:

PHOEBE D. MORSE, Clerk

By: Janice M. O'Neil
Chief Deputy Clerk

cc: Messrs. Dick and Camoscio